

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEREK A. DIXON,

Defendant Below-  
Appellant,

v.

STATE OF DELAWARE,

Plaintiff Below-  
Appellee.

§

§ No. 321, 2011

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§ Court Below—Superior Court  
§ of the State of Delaware

§ in and for New Castle County

§ Cr. ID No. 1008020367

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Submitted: September 29, 2011

Decided: October 3, 2011

**ORDER**

This third day of October 2011, it appears to the Court that, on September 8, 2011, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute the appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required ten-day period. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland

Justice